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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,841	09/21/2004	Won Min Yoo	12462.105004 (CMED004)	8952

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EXAMINER

SAUCIER, SANDRA E

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/508,841	YOO ET AL.	
	Examiner	Art Unit	
	Sandra Saucier	1651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/6/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1–16 are pending and are considered on the merits.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because they are so poor as to be completely unviewable. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification: The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee. Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

Specification

The disclosure is objected to because of the following informalities: Priority information is missing. Appropriate correction is required.

Claim Rejections – 35 USC § 112

INDEFINITE

Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites different forms of the composition of claim 1. However, the term "patched" is unclear.

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent, (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4–9, 11–16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tandt [U].

The claims are directed to a composition comprising blood plasma or blood serum. Claims 2 and 9 require that the pH of the composition be between 3.5 and 6.6. Claims 3 and 10 require that the blood or serum be derived from livestock, while claims 5 and 12 require that the form of the composition be a cream, ointment or patch. These are the claims which are directed to the composition, which is under examination. The other claims appear to be directed to an intended use of the composition. Intended use is given little patentable weight.

Tandt discloses acidified plasma and serum from humans, see Materials and Methods.

Claims 1, 2, 4–9, 11–16 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Liu *et al.* [V].

Liu discloses a composition comprising human plasma at pH 5.0 (top of page 337). Please note that plasma contains serum by definition.

Claims 8–16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Loskutoff [W].

Loskutoff discloses bovine serum titrated to pH 4.0, 5.0, 6.0, etc. in Figure 3.

Claims 1, 2, 4-9, 11-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Poon *et al.* [X].

Poon *et al.* disclose a composition comprising human serum and boric acid. Since this composition contains boric acid at a final concentration of 0.75%, the composition is considered to be acidic in the absence of evidence to the contrary.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fairclough *et al.* [U2].

Fairclough *et al.* disclose acidified plasma obtained from a bovine source. Please note that plasma contains serum by definition.

Claims 8-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by WO 95/15763 [N].

WO 95/15763 discloses a composition comprising serum, which may be porcine, which has been acetone treated to obtain a protein precipitate and therefore contains all of the growth healing factors known to exist in serum. Serum extract, page 42, was prepared by acidification of serum, then the proteins were precipitated by acetone and reconstituted as a concentrated preparation of serum precipitate @pH 6.5.

Serum extract alone may be used in treating a wound or it may be combined with a platelet extract (page 33). Topical administration is in a matrix which slowly releases the proteins such as a fibrin glue, collagen, polymers, and others (page 34).

Conclusion

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Applicant should specifically point out the support for any amendments made to the disclosure, including the claims (MPEP 714.02 and 2163.06). Due to the procedure outlined in MPEP 2163.06 for interpreting claims, it is noted that other art may be applicable under 35 USC 102 or 35 USC 103(a) once the aforementioned issue(s) is/are addressed.

Applicant is requested to provide a list of all copending applications that set forth similar subject matter to the present claims. A copy of such copending claims is requested in response to the office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Saucier whose telephone number is (571) 272-0922. The examiner can normally be reached on Monday, Tuesday, Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, M. Wityshyn can be reached on (571) 272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra Saucier

Primary Examiner

Art Unit 1651

June 14, 2006